

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 15-174 (DWF)

Plaintiff,

v.

ORDER

Pharoo Witherspoon,

Defendant.

This matter is before the Court on Defendant Pharoo Witherspoon's Request for Reconsideration of Compassionate Release/RIS Based on New Information. (Doc. No. 46.) The Court previously considered and denied Witherspoon's request for compassionate release. (Aug. 18, 2020 Order, Doc. No. 45.) Witherspoon argues that new facts and research suggest that atrial fibrillation and his BMI of approximately 30 place him at increased risk for severe illness should he contract the COVID-19 virus.

The CDC lists certain heart conditions that increases a person's risk of severe illness from COVID-19: heart failure, coronary artery disease, cardiomyopathies, and pulmonary hypertension. *See* Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19): People with Certain Medical Conditions, available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last accessed Nov. 12, 2020). Other cardiovascular diseases, such as hypertension or stroke, might increase a person's risk. *Id.* A BMI level of between 25 and 30 likewise might increase risk. *Id.* While the Court appreciates

Witherspoon's concern regarding his atrial fibrillation, the CDC has not deemed it a risk factor with respect to COVID-19 and the Court has already considered Witherspoon's atrial fibrillation when determining his previous compassionate release request. The addition of Weatherspoon's overweight BMI does not alter that analysis. Accordingly, the Court finds that Witherspoon's filings, (Doc. Nos. 46, 47), do not warrant reconsideration of the Aug. 18, 2018 Order.

Therefore, based on the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Pharoo Witherspoon's Request for Reconsideration of Compassionate Release/RIS Based on New Information. (Doc. No. [46]) is respectfully **DENIED**.

Dated: November 13, 2020

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge